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10/044,615	01/11/2002	Troy A. Miller	DEAU /37	DEAU /37 9471	
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Delphi Techno	ologies Inc.	KRAMER,	KRAMER, DEVON C		
Legal Staff P.O. Box 5052			ART UNIT	PAPER NUMBER	
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Troy, MI 480	07-5052	DATE MAILED: 12/11/2003			

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/044,615											
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of This COMMUNICATION. Estimation of time may be available under the provisions of 37 CFR 1.138(p), in no event, however, may a riply be timely filled. If the period for may specified above, the maximum stabulatory period will apply and will expire SX (5) MONTHS from the mailing date of this communication or thinky (30) days, will be considered timely. If the period for rely is pecified above, the maximum stabulatory period will apply and will expire SX (5) MONTHS from the mailing date of this communication. If the period for rely is pecified above, the maximum stabulatory period will apply and will expire SX (5) MONTHS from the mailing date of this communication. If the period for rely is pecified above, the maximum stabulatory period will apply and will expire SX (5) MONTHS from the mailing date of this communication. If the period for rely is pecified above, the maximum stabulatory period will apply and will expire SX (5) MONTHS from the mailing date of this communication. Any may revenue by the Official term than these months after the mailing date of this communication, which is from the mailing date of this communication. Any may revenue by the Citical term than the months after the mailing date of this communication, which is the survey of the communication. It is a survey to the period of the communication is months. Claim (5) Expire SX (5) Months from the mailing date of this communication. Claim (5) Expire SX (5) Months from the mailing date of this communication. Claim (6) Expire SX (6) Months from the mailing date of this communication. Claim (6) Expire SX (6) Months from the mailing date of the mail the mailing date of this communication. Claim (6) Expire SX (6) Months from the mailing date of the mail the mailing date of the mail the mailing date of the mail the mailing date of	, •	٤.		Applic	ation No.	Applicant(s)					
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*Art Unit: 3683

DETAILED ACTION

Election/Restrictions

1) Applicant's election with traverse of species II (figure 4) in Paper No. 14 is acknowledged. The traversal is on the ground(s) that if the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits even though it includes claims to independent or distinct inventions. This is not found persuasive because applicant's arguments with respect to the 103 rejections as applied to the claims has caused the examiner to search in other areas. For example, the examiner has to find a teaching of a fluid tight seal formed by a weld. Please note that the examiner used references classified in the shocks to reject the claims under 103, but applicant argued that all the combinations were not proper. Therefor, other areas must be searched in order to make "proper" rejections.

The requirement is still deemed proper and is therefore made FINAL.

Claims 3-5, 9-10 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 14. Claim 18, seems to be directed to figure 5 and was not included in applicant's reply directed to the election of species. Claim 18 has been treated as being directed to a non-elected species.

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3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4) Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Engel et al (5207300).

In reference to claim 1, Engel et al provides a suspension damper comprising: a cylinder (1) defining a cavity being substantially filled with a fluid; a piston (3) slidably positioned in the cylinder separating the cavity into a compression chamber and an extension chamber; a rod (2) coupled to the piston and extending through one of the chambers and exiting the cavity; a tapered interface (at threads or at insteps as rod attaches to piston) between the rod and the piston to thereby align the rod relative to the piston; a passage (5) through with the fluid moves between the extension chamber and the compression chamber during sliding of the piston in the cylinder; an air pressure actuated control valve assembly (8) responsive to an air pressure input for adjustment to and between an open position, a closed position, and at least one position intermediate the open and closed positions to control the movement of fluid in the passage between the extension and compression chambers (col 4 lines 9-15); wherein the damping force of the suspension damper is a function of the air pressure input; and wherein the tapered interface provides a fluid tight seal.

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a.

In reference to claim 2, Engel et al provides a suspension damper where a shoulder on a portion of the rod; and a confronting surface on a portion of the piston proximate the shoulder constitute the tapered interface.

In reference to claim 11, Engel et al provides a suspension damper comprising: a cylinder (1) defining a cavity being substantially filled with a fluid; a piston (3) slidably positioned in the cylinder separating the cavity into a compression chamber and an extension chamber; a rod (2) coupled to the piston and extending through one of the chambers and exiting the cavity; a tapered interface (at threads or at insteps as rod attaches to piston) between the rod and the piston to thereby align the rod relative to the piston; a passage (5) through with the fluid moves between the extension chamber and the compression chamber during sliding of the piston in the cylinder; an air pressure actuated control valve assembly (8) responsive to an air pressure input for adjustment to and between an open position, a closed position, and at least one position intermediate the open and closed positions to control the movement of fluid in the passage between the extension and compression chambers (col 4 lines 9-15); wherein the damping force of the suspension damper is a function of the air pressure input; wherein the tapered interface provides a fluid tight seal; a uni-directional seal plate (8) mounted in the piston assembly and in communication with the air-pressure actuated control valve; wherein the uni-directional seal plate (8) is adapted from mounting in the piston assembly in a predetermined orientation.

In reference to claim 12, Engel et al provides a seal plate where a step extended around a perimeter thereof

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Claim Rejections - 35 USC § 103

5) Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al in view of de Molina (5725239).

Engel teaches all of the claim limitations (see 102 rejection above), but lacks the teaching of controlling the valve in response to a function of weight and a condition of the road.

De Molina teaches the practice of varying the damping in response to a vehicle weight and a condition of a road.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the assembly of Engel with means to vary the damping rate in response to weight and road condition as taught by De Molina in order to provide a driver with a more comfortable ride and to improve the performance of the vehicle.

Allowable Subject Matter

6) Claims 13-17 and 19-20 are allowed.

Conclusion

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

DK December 8, 2003 genvisory patest evactat Tech lology center 5300